

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VICTOR TEON LINDSEY, II,

Plaintiff

v.

**FEDERAL BUREAU OF PRISONS,
RISK MANAGEMENT/TORT CLAIM
BRANCH, JASON SICKLER, and JOE
KEFFER,**

Defendants

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Civil Action No. 1:09-cv-1426

(Chief Judge Kane)

(Magistrate Judge Mannion)

MEMORANDUM ORDER

Before the Court is a report and recommendation (“R & R”) from Magistrate Judge Malachy E. Mannion filed on April 8, 2010, to which no objections have been filed.¹ (Doc. No. 20.) The R & R advises that Defendant’s motion for change of venue should be granted because Plaintiff does not reside in this district and no events giving rise to the action occurred in this district. (Id.)

AND NOW, this 11th day of May 2010, upon consideration of the foregoing, **IT IS
HEREBY ORDERED** that the report and recommendation (Doc. No. 20) is **ADOPTED**.

¹On April 26, 2010, the deadline for filing objections to the R & R, Plaintiff Lindsey filed an affidavit in which he alleges that his due process rights have been violated because the R & R relies upon and refers to exhibits which he did not receive. (Doc. No. 21.) Specifically, Defendant contends that the “Motion Report and Recommendation . . . on page ‘3’ line 8, it states that ‘Exhibit B’ to Plaintiff’s complaint is attached, but when Plaintiff received this Motion Report and Recommendation, there was ‘no’ Exhibit’s [sic] attached at all.” (Doc. No. 21 ¶ 2.) Upon review of the R & R, it is clear that Judge Mannion refers to an exhibit clearly labeled as “Exhibit B” by Plaintiff and included by Plaintiff as part of his own amended complaint. (Doc. No. 11-3.) No new exhibits or attachments were contained in the R&R, thus it does not appear that any document has been withheld from Plaintiff, either purposefully or inadvertently. Moreover, the document is referred to in the facts section of the report and was not used in arriving at the legal conclusion recommended. Plaintiff’s filing indicates that he has reviewed the R & R and has declined to object to the merits or legal analysis of the recommendation.

Defendant's motion for change of venue (Doc. No. 18) is **GRANTED**. The Clerk of Court is directed to transfer the action to the Western District of Louisiana.

S/ Yvette Kane
Yvette Kane, Chief Judge
United State District Court
Middle District of Pennsylvania